

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location
GP/GPT07-06-01, PDC07-043, and GP08-09-01

A) GP/GPT07-06-01. General Plan/General Plan Text Amendment request to: 1) change the Land Use/Transportation Diagram designation from Office to Medium High Density Residential (12-25 DU/AC) on 5.1 acres of a 7.4-acre site located at 485 Monroe Street, north of I-280 and Tisch Way, west of South Monroe Street and South Baywood Avenue, east of Dudley Avenue; APN 277-38-002 and 277-38-006. 2) Revise the text of the General Plan to allow a maximum building height of up to 90 feet on a 2.3-acre portion of the site between Dudley Avenue and Baywood Ave. (SBC, Owner / Silverstone Communities, Developer) Council District: 6

B) PDC07-043. Planned Development Rezoning from R-M Multiple Residence and CG Commercial General Zoning Districts to A(PD) Planned Development Zoning District to allow up to 104 single-family attached townhouse residences, a 36,000 square foot office building and a 1.61 acre public park on a 7.4 gross acre site located at 485 Monroe Street, north of I-280 and Tisch Way, west of South Monroe Street and South Baywood Avenue, east of Dudley Avenue; APN 277-38-002 and 277-38-006. (SBC, Owner / Silverstone Communities, Developer) Council District: 6

C) GP08-09-01. General Plan Amendment request to amend the General Plan land use designation from Medium Density Residential (8 DU/AC) to General Commercial on a 4.5-acre site located at 1345 and 1349 Blossom Hill Road, northwest corner of Blossom Hill Road and Coniston Way; APNs: 569-06-046 and 569-06-047. Approval of this amendment would allow the existing site and uses on the property to remain if consistent with the existing Commercial Pedestrian zoning district. (Silverstone Communities, applicant/Continental Centers, LLC./ Pamela S. and Randy A. Kelley, owners) Council District: 9

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **April 7, 2008**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated

Negative Declaration begins on **March 18, 2008** and ends on **April 7, 2008**. A public hearing on the project described above has been scheduled for Wednesday April 9, 2008 at 6:30 p.m. before the Planning Commission and Tuesday, May 6, 2008 at 7:30 p.m. before the City Council.

The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, the **Rose Garden Branch Library**, at 1580 Naglee Avenue San José, CA, the **Vineland Branch Library**, 1450 Blossom Hill Road, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Allen Tai, Project Manager** at (408) 535-7866.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: March 18, 2008

Deputy

A) GENERAL PLAN AMENDMENT File No. GP/GPT07-06-01. Proposal to: 1) change the Land Use/Transportation Diagram designation from Office to Medium-High Density Residential (12-25 DU/AC) on 5.15 acres of a 7.4-acre site and 2) revise the text of the General Plan to allow a maximum building height of up to 90 feet on a 2.3-acre portion of the site between Dudley Avenue and Baywood Avenue. (Silverstone Communities, Applicant/Pacific Bell, Owner) Council District: 6

Existing General Plan Designations:

Office

The primary allowed uses in this category are business and professional offices. Retail and other commercial uses may be allowed only as secondary uses in a larger office development. Development should be of low intensity and compatible with surrounding uses. This designation can be used on margins of residential neighborhoods because it is not intrusive.

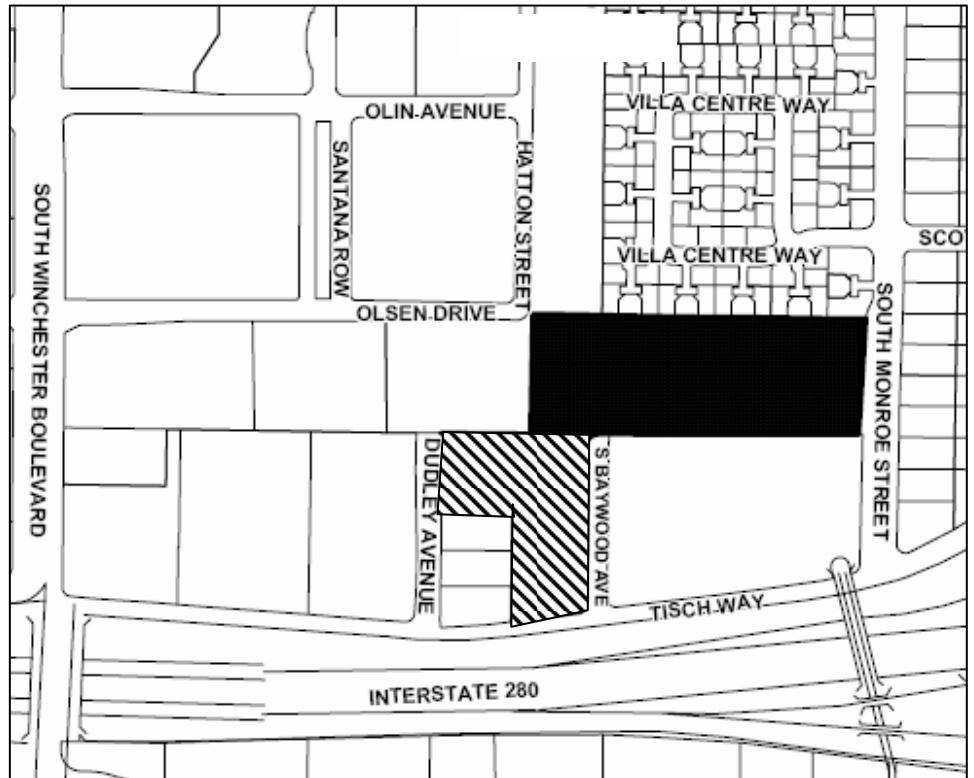
Regional Commercial

The areas designated as Regional Commercial are, for the most part, existing regional shopping centers. In a few cases they reflect the cumulative attraction of a regional center and one or more nearby community or specialty commercial centers, or two or more community or specialty centers in close proximity whose combined drawing power is of a regional scale.

Proposed General Plan Designations:

Medium High Density Residential (12-25 du/ac)

This density is typified by two-story apartments and condominiums with surface parking, although structures of greater height with compensating amounts of open space would be possible. Medium High density residential uses are planned primarily for locations on major streets and near major activity centers.



Existing Zoning Designations:

CG – Commercial General: The Commercial General District is intended to serve the needs of the general population. It allows for a full range of retail and commercial uses with a local or regional market.

R-M – Multiple Residence District: The purpose of the multiple residence district is to reserve land for the construction, use and occupancy of higher density residential development. The maximum allowable density range for the R-M District is 25 dwelling units per acre.

B) GENERAL PLAN AMENDMENT File No. GP08-09-01. Proposal to amend the General Plan land use designation from Medium Density Residential (8 -16 DU/AC) to General Commercial on a 4.5-acre site. Approval of this amendment would allow the existing site and uses on the property to remain if consistent with the existing Commercial Pedestrian zoning district. (Silverstone Communities, Applicant/Continental Centers, LLC./ Pamela S. and Randy A. Kelley, Owners) Council District: 9

Existing General Plan Designation:

Medium Density Residential: 8-16 Dwelling Units Per Acre

This designation is typified by small-lot single-family homes, townhomes, and duplexes. A mixture of housing types, subject to overall density limits, would also be appropriate.

Proposed General Plan Designation:

General Commercial

This is a non-specialized commercial designation intended to permit miscellaneous commercial uses. It includes both strip commercial areas along major thoroughfares as well as freestanding commercial establishments. Business and professional office uses are allowed within this category as well.



DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: 485 Monroe Street General Plan Amendment and Planned Development Rezoning and 1345/1349 Blossom Hill Road General Plan Amendment

PROJECT FILE NUMBER: A) GP/GPT07-06-01; B) PDC07-043; C) GP08-09-01

PROJECT DESCRIPTION:

- A) GENERAL PLAN AMENDMENT request to: 1) change the Land Use/Transportation Diagram designation from Office to Medium High Density Residential (12-25 DU/AC) on 5.3 acres of a 7.8-acre site at 485 S. Monroe Street and 2) revise the text of the General Plan to allow a maximum building height of up to 90 feet on a 2.5-acre portion of the site between Dudley Avenue and Baywood Ave.
- B) PLANNED DEVELOPMENT REZONING from R-M Multiple Residence and CG Commercial General Zoning Districts to A(PD) Planned Development Zoning District to allow up to 104 single-family attached townhouse residences, a 36,000 square-foot office building, and a 1.61 acre public park on a 7.8 gross-acre site at 485 S. Monroe Street.
- C) GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to General Commercial on a 4.5-acre site located at 1345-1349 Blossom Hill Road.

PROJECT LOCATION & ASSESSORS PARCEL NO.:

A & B: North of I-280 and Tisch Way, west of South Monroe Street and South Baywood Avenue, east of Dudley Avenue (485 Monroe Street); APN: 277-38-002 and 277-38-006

C: Northwesterly corner of Coniston Way and Blossom Hill Road (1345-1349 Blossom Hill Road); APN: 569-06-046 and 569-06-047

COUNCIL DISTRICT: 6, 9

APPLICANT CONTACT INFORMATION: Silverstone Communities, 1733 Woodside Road, Suite 125 Redwood City, CA 94061 (Phone) 650-556-1700 (Fax) 650-556-0017 Attn: John McMorrow, mcmorrow@silverstonecommunities.com

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. **AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. **AIR QUALITY**

Standard Measures:

AIR-1.1: In conformance with the City's General Plan policies, the project shall implement the measures listed below to reduce vehicle use and vehicle miles traveled to a less-than-significant level:

- Provide bicycle amenities, such as residential bicycle parking, bicycle racks for visitors, and bike lane connections.
- Include easy access and signage to bus stops and roadways that serve the site uses from pedestrian facilities.
- Create and implement a landscape plan that includes shade trees along pedestrian pathways.
- Include traffic calming measures in traffic circulation and roadway connection designs.
- Consider requirements for unbundling a portion of the residential parking spaces.

Mitigation Measures:

MM – AIR 5.1: Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less- than-significant level:

Dust (PM₁₀) Control Measures

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences shall be kept damp at all times.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.

- Hydroseed or apply (non-toxic) soil stabilizers to inactivate construction areas (previously graded areas inactive for 10 days or more).
- Enclose, cover, water at least twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speed on unpaved roads to 15 miles per hour.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- During renovation and demolition activities, removal or disturbance of any materials containing asbestos or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.

Off-Road Equipment Exhaust Control Measures

- Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately.
- Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite.
- Where feasible, the project shall require construction contractors to use heavy-duty (> 50 horsepower) off-road vehicles that meet the California Tier II emissions standards. Use of alternative fuels or retrofitted equipment shall be considered for older equipment not meeting the standards.
- Properly tune and maintain equipment for low emissions.

IV. BIOLOGICAL RESOURCES

Standard Measures:

The project proposes to implement the following measures to reduce impacts to raptors:

- If possible, construction should be scheduled between September and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the California Department of Fish and Game, designate a construction-free buffer zone (typically 250 feet) around the nest.

- The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading or building permit.

The project proposes to implement the following avoidance measures to reduce impacts to trees identified for retention on-site and to protect trees located on adjacent sites within close proximity to the site:

- Trees to remain shall be safeguarded before and during construction by a Tree Protection Plan developed by a consulting arborist, including measures such as the storage of oil, gasoline, chemicals, etc. away from trees; grading around trees or root pruning only as approved, and prevention of drying out of exposed soil where cuts are made; any additional tree pruning needed for clearance performed or supervised by an arborist; application of supplemental irrigation as determined by the consulting arborist; no dumping of liquid or solid wastes in the dripline or uphill from any tree; and construction of barricades around the dripline of the trees until all grading and construction is completed, as outlined in the City's Tree Ordinance, that shall be submitted to the Environmental Principal Planner and approved by the Planning Director prior to the issuance of a grading permit.
- To mitigate potential damage to retained trees, trees shall be safeguarded during construction through implementation of the following measures:
 - Prior to the issuance of any approval or permit, all trees on the site shall be inventoried by the owner or contractor as to size, species and location on the lot and the inventory shall be submitted on a topographical map to the Director;
 - Damage to any tree during construction shall be reported by the person causing the damage, the responsible to the Director, and the contractor or owner shall treat the tree for damage in the manner specified by the city arborist.
 - No construction equipment, vehicles or materials shall be stored, parked or standing within the tree dripline; and
 - Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering; and
 - Wires, signs and other similar items shall not be attached to trees; and
 - Cutting and filling around the base of trees shall be done only after consultation with the city arborist and then only to the extent authorized by the city arborist; and
 - No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process; and
 - Barricades shall be constructed around the trunks of trees as directed by the director so as to prevent injury to trees making them susceptible to disease causing organisms; and
 - Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots. (SJMC 13.32.130)

Mitigation Measures:

MM – BIO 1.1: The project proposes to implement the following standard measures to mitigate project impacts to trees:

- All trees that are to be removed shall be replaced at the following ratios:

<p align="center">Table 5.4-2 City of San José Standard Tree Replacement Ratios</p>		
Diameter of Tree to be Removed	Non-Native Replacement Ratio	Minimum Size of Each Replacement Tree
18 inches or greater	4:1	24-inch box
12 - 18 inches	2:1	24-inch box
less than 12 inches	1:1	15-gallon container
<p><i>Notes:</i> <i>X:X = tree replacement to tree loss ratio</i> <i>Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.</i></p>		

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, at the development permit stage:
 - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
 - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjoining properties for screening purposes to the satisfaction of the Director of Planning, Building, and Code Enforcement.
 - A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

V. CULTURAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required, however, the project proposes to implement the following standard measures to reduce impacts to prehistoric resources:

Standard Measures:

- Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- A final report shall be submitted to the City's Environmental Principal Planner when mitigation is completed. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the

disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

- In the event that human skeletal remains are encountered during future site redevelopment, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and the Health and Safety Code. The Director of Planning, Building and Code Enforcement will also be notified immediately if human skeletal remains are found on the site during development.

VI. GEOLOGY AND SOILS – The project will not have a significant impact on this resource, therefore no mitigation is required, however, the project proposes the following standard measures to reduce geologic, soil and seismic-related impacts:

Standard Measures:

- Buildings shall be designated and constructed in accordance with the design-level geotechnical investigation prepared for the site, which identifies the specific design features that will be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage and pavement design. The geotechnical investigation shall be reviewed and approved by the City Public Works Department prior to issuance of a building permit for the project.
- The project shall implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.
- The proposed project shall be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards, including liquefaction, on the site.

VII. HAZARDS AND HAZARDOUS MATERIALS

Mitigation Measures:

MM—HAZ 1.1: Mitigation measures to address the near-surface soil impact by pesticide and arsenic are proposed by the project, including observation of demolition and grading activities by a qualified hazardous materials consultant and development of a soil management plan for soils impacted by arsenic and DDE which will either remove or sequester these soils to prevent future residential exposure. A Tier 2 risk assessment shall be performed after demolition of buildings and pavement and the following mitigation measures be evaluated to address the potential for human health risks under the proposed residential land use. Measures to be considered include the following:

- Implementation of engineering controls such as containment with surface caps of impacted areas.
- Implementation of remedial actions such as limited excavation, in-situ treatment and/or redistribution to reduce or eliminate the potential long-term human health concerns.

- Implementation of institutional controls such as deed restrictions requiring additional testing and remediation if surface caps are removed.

Standard Measures:

The project proposes to implement the following standard measures to reduce impacts related to ACMs and lead-based paint:

- In conformance with state and local laws, a visual inspection/predemolition survey, and possible sampling, shall be completed prior to the demolition of the buildings to determine the presence of asbestos containing materials and/or lead-based paint.
- All potentially friable asbestos-containing materials shall be removed in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials.
- All demolition activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring and dust control.
- Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

The project proposes to implement the following measure to avoid impacts from possible on-site sources of contamination that may be obscured by existing buildings, pavement, or landscaping:

- The project site shall be viewed by a qualified environmental professional during demolition and pre-grading activities to observe areas of the property that may have been obscured by existing structures or pavement for such items as stained soils, septic systems, underground storage tanks, and/or unforeseen buried utilities; and, if found, a mitigation program shall be developed, submitted to the City's Environmental Principal Planner, and implemented with such measures as soil testing, removal and/or offsite disposal at a permitted facility. Any storage tanks, wells, drums, and debris shall be removed under the guidance of a qualified environmental professional and in accordance with the San José Fire Department requirements, and a permit shall be obtained from the San José Fire Department for removal of the above ground fuel tank.

VIII. HYDROLOGY AND WATER QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required, however, the project proposes to implement the following standard measures to reduce and avoid water quality impacts:

Standard Measures:

Pre-Construction

- Prior to construction of the project, the City shall require the applicant to submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants

including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook (such as silt fences/straw waddles around the perimeter of the site, regular street cleaning, and inlet protection) for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for: Soil stabilization practices, Sediment control practices, Sediment tracking control practices, Wind erosion control practices, and Non-storm water management and waste management and disposal control practices.

- Prior to issuance of a grading permit, the applicant shall be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.
- Each phase of development shall comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation, and with the City of San José Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

Post Construction

- The proposed development shall comply with the NPDES permit issued to the City of San José and other co-permittees of the SCVURPPP, and with the provisions of the City's Post-Construction Urban Runoff Management Policy, which require the inclusion in the site design of pollutant source control and stormwater treatment control measures to the maximum extent practicable. At the Planned Development permit stage, the applicant shall submit plans for BMPs and numerically sized TCMs including or such as, but not limited to the following:
 - Vegetated swales and flow-through areas;
 - Bioretention areas or basins;
 - Disconnected downspouts that are directed into landscape areas;
 - Minimization of impervious surfaces and increased use of permeable pavement;
 - Location of all storm drain inlets to be stenciled with, "No Dumping! Flows to Bay;" and
 - Location and design of trash enclosures (all shall be covered) and materials handling areas.
- A maintenance and monitoring program shall be developed at the PD Permit Stage to the satisfaction of the Director of Planning.
- The maintenance and monitoring program shall be implemented to ensure that all stormwater treatment BMPs will be permanently maintained by the Homeowners' Association (HOA) for the life of the development, to the satisfaction of the Director of Planning.
- The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater for new development.
- The project shall comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), which establishes general guidelines and minimum BMPs for specific land uses and numerically sized (or hydraulically sized) TCMs.
- Prior to the issuance of a grading permit, the applicant must submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity to the satisfaction of the Director of Public Works.

- Future redevelopment of the project site would be required to comply with Provision C.3 of the City's NPDES Permit, the City Council Policy Number 6-29 on Post-Construction Urban Runoff Management, the City Council Policy Number 8-14 on Post-Construction Hydromodification Management and the City's other local policies and ordinances regarding urban runoff and water quality, as applicable at the time of PD Permit stage.

IX. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required, however, the project proposes to implement the following measures to reduce or avoid land use conflicts between future residential development on the site and incompatible land uses:

Standard Measures:

- Residential structures greater than three stories in height are to be set back a minimum of 15 feet from incompatible uses.
- Private open space is to be set back at least 10 feet from incompatible uses.
- Balconies and decks are to be set back a minimum of 20 feet from incompatible uses and 25 feet from single family rear yards.

X. MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. NOISE

Mitigation Measures:

The project proposes to implement the following measures to reduce interior noise levels to 45 dBA DNL or lower and most exterior area noise levels to 65 dBA DNL or lower:

MM NOI – 1.1: The following mitigation measures shall be included in the project to reduce the impact to a less-than-significant level:

Interior Noise Mitigation

- Forced-air mechanical ventilation, satisfactory to the local building official, must be provided for townhomes with façades fronting South Monroe Street and/or the northern or southern project limits of Parcel 1 with east, west, and south facing facades, to allow occupants the option of keeping windows closed to control noise.
- In addition, special building construction techniques may be required for townhomes fronting South Monroe Street. These treatments could include, but are not limited to, sound rated windows and doors. The specification of necessary acoustical treatments shall be conducted by a qualified acoustical consultant during the final design stage. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans, and approved prior to issuance of a building permit.

Exterior Noise Mitigation

- 42-inch-high solid railings shall be constructed at all patios and elevated decks of units having a direct or side view of Monroe Street and/or Tisch Way.
- All units on Parcel 1 shall have some private open space that is acoustically attenuated to a minimum 65 dBA DNL, to the satisfaction of the Director of Planning.

Short-Term Construction Noise

- The project proposes the following measures to reduce short-term construction noise impacts to a less than significant level:

- MM NOI – 2.1:** Construction activities shall be limited to the hours between 7:00 a.m. to 7:00 p.m., Monday through Friday for any work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- MM NOI – 2.2:** Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- MM NOI – 2.3:** Locate stationary noise generating equipment as far as possible from adjacent residential receivers.
- MM NOI – 2.4:** Avoid staging of equipment and unnecessary idling of equipment within 200 feet of noise sensitive uses.
- MM NOI – 2.5:** Acoustically shield stationary equipment located near existing residential receivers.
- MM NOI – 2.6:** Utilize "quiet" air compressors and other stationery noise sources where technology exists.
- MM NOI – 2.7:** The contractor shall prepare a construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- MM NOI – 2.8:** Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

XII. POPULATION AND HOUSING – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIII. PUBLIC SERVICES – The project will not have a significant impact on this resource, therefore no mitigation is required, however, the project proposes to implement the following measures:

Standard Measures:

- In accordance with Government Code 65996, the developer shall pay a school impact fee to offset the increased demands on school facilities caused by the proposed project.
- Conform with the City's Park Impact Ordinance (PIO) and Parkland Dedication Ordinance (PDO).

XIV. RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

XV. TRANSPORTATION / TRAFFIC – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVI. UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on April 7, 2008, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: March 18, 2008

Deputy

Adopted on: _____

Deputy

NOTICE OF PUBLIC HEARINGS

City of San Jose, City Hall
200 East Santa Clara Street, City Council Chambers, Wing 2nd Floor

Spring 2008 Hearings on General Plan Amendments

Planning Commission: Wednesday, April 9, 2008 6:30 p.m.

City Council: Tuesday, May 6, 2008 7:00 p.m.

On a 7.4-acre site located at 485 South Monroe Street; APNs: 277-38-002 and -003:

- A) General Plan amendment/General Plan text amendment (File No. GP/GPT07-06-01):** Proposal to: 1) change the Land Use/Transportation Diagram designation from Office to Medium-High Density Residential (12-25 dwelling units per acre) on 5.15 acres of a 7.4-acre site; and 2) revise the text of the General Plan to allow a maximum building height of up to 90 feet on a 2.3-acre portion of the site between Dudley Avenue and South Baywood Avenue. (Silverstone Communities, Applicant/Pacific Bell, Owner) SNI: None. Council District: 6

On a 4.5- acre site located at 1345/1349 Blossom Hill Road; APNs 569-06-046 and -047:

- B) General Plan Amendment (File No. GP08-09-01):** Proposal to amend the General Plan land use designation from Medium Density Residential (8-16 dwelling units per acre) to General Commercial on a 4.5-acre site. Approval of this amendment would allow the existing uses on the property to remain if consistent with the existing CP Commercial Pedestrian Zoning District. (Silverstone Communities, Applicant/Continental Centers, LLC. and Pamela S. and Randy A. Kelley, Owners) SNI: None. Council District: 9

On October 23, 2007, the City Council adopted the Framework for Preservation of Employment Lands (Framework) to preserve remaining industrial and commercial lands in the City of San José. This policy provides criteria to maintain no net loss of employment capacity on lands designated in the San José 2020 General Plan for commercial or industrial uses. File No. GP07-06-01, because it proposes conversion of a site currently designated Office to a non-employment use, is subject to this Framework. Specifically for this project, the Framework requires an off-setting conversion (File No. GP08-09-01) on another site in the City and an Extraordinary Benefit from the project proponents to the City.

You are invited to participate in the above public hearings. The Planning Commission will make a recommendation to the City Council, and the City Council will make the final decision on the proposed General Plan amendment. Please note that the San Jose 2020 General Plan reflects the long-range future growth for the City. A change in the General Plan land use designation would only affect the type and intensity of future development allowed on the subject property.

Comments and questions regarding this proposal or the General Plan amendment process are welcome, and should be referred to the Project Manager, **Allen Tai**, at (408) 535-7866. Documents for this project are on file and available for review at: **Planning, Building and Code Enforcement, 200 East Santa Clara Street, San Jose, CA 95113**. Reports and documents will also available online at: [www.sanjoseca.gov/planning/gp/staff reports.htm](http://www.sanjoseca.gov/planning/gp/staff%20reports.htm) one week prior to the scheduled hearing.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Jenny Nusbaum, Senior Planner

Date: _____